

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	CRIMINAL NO. 18-100
v.	:	
	:	
MICHAEL ROHANA	:	

ORDER

AND NOW, this _____ day of _____, the Court being advised that the government seeks a continuance of the trial set for February 18, 2020, in the above captioned matter, on the grounds that three essential witnesses, Wu Haiyun, Shen Maosheng and Rong Bo are unavailable, due to the current travel ban from China to the United States imposed by the United States government. The Court finds that Wu Haiyun, Shen Maosheng and Rong Bo are essential witnesses who are unavailable to testify at the trial scheduled to begin on February 18, 2020, pursuant to 18 § 3161(h)(3)(A), and the ends of justice will best be served by granting a continuance in this matter, pursuant to 18 U.S.C. § 3161(h)(7)(A) and, therefore, it is hereby

ORDERED

that the time in which defendant is brought to trial is continued until _____.

BY THE COURT:

HONORABLE PETRESE B. TUCKER
Judge, United States District Court

**GOVERNMENT'S MOTION FOR CONTINUANCE OF TRIAL
DUE TO UNAVAILABILITY OF ESSENTIAL WITNESSES**

1. Trial in this matter is scheduled to begin on Tuesday, February 18, 2020.
2. Government witnesses Wu Haiyun, Shen Maosheng and Rong Bo, are persons who reside in China and were scheduled to travel from China to the United States to testify at the trial in this case, but, as a result of the travel restrictions imposed by the Presidential Proclamation of February 2, 2020, these witnesses are currently unable to enter, and their testimony will be taken via video conference.

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the Emperor Qin Shi Huang's Mausoleum Site Museum; and Rong Bo is Deputy Director of the Artifact Conservation and Scientific Research Organization for Emperor Qinshihuang's Mausoleum Museum.

4. Each of these witnesses are representatives of the victim in this case, the Chinese government, and are essential witnesses for the government's case, as detailed below:

- a. Wu Haiyun, the Project Manager of the Shaanxi Cultural Heritage Promotion Center, is responsible for the organization and implementation of overseas exhibits of items from the Emperor Qin Shi Huang's Mausoleum Site Museum and other museums. He will testify about: (1) the procedures, processes and details of the loan of items for the exhibit at the Franklin Institute and Pacific Science Center; (2) how items were chosen; (3) the classification of the items chosen; and (4) the insured value of the items in the exhibit, including the Cavalryman. He will also testify about other locations where the Cavalryman had been exhibited prior to December 2017.
- b. Shen Maosheng, the Deputy Director of the Archeological Department of the Emperor Qin Shi Huang's Mausoleum Site Museum, is involved in the planning and implementation of the archeological work for the Mausoleum Site, which dates to the Qin Dynasty (221 to 206 B.C.). He will testify about: (1) the history and importance of the Mausoleum Site of Qin Shi Huang, the first

Emperor of China; (2) the archeological work at that site; (3) the excavation and restoration of the Cavalryman and five other cavalryman terracotta warriors, and associated items, from Pit 2 of the Mausoleum Site between 1976 and 1977; and (4) how it was determined that the Cavalryman and the other items in Pit 2 dated to the Qin Dynasty.

- c. Rong Bo, the Deputy Director of the Artifact Conservation and Scientific Organization for Emperor Qin Shi Huang's Mausoleum Museum, will testify about: (1) the restoration of the Terracotta Warriors; (2) the process for restoring the Terracotta Warriors after excavation by the archeologists; (3) his physical and documentary evaluation of the Cavalryman in 2016-2017 before it was loaned to the Franklin Institute and Pacific Science Center exhibit; and (4) his examination of the Cavalryman and Cavalryman Thumb in March 2018 after the stolen Cavalryman Thumb was recovered.

5. The testimony of these witnesses is essential to the government's case as this testimony establishes the cultural importance, significance, age, provenance and authenticity of the Cavalryman and the Cavalryman Thumb, as well as the basis for the insured value of the Cavalryman, all of which are directly relevant to establish that the stolen Cavalryman Thumb is an "object of cultural heritage" under 18 U.S.C. § 668(a)(2), an essential element of the crimes with which defendant Michael Rohana has been charged. In addition, these witnesses are the representatives of the Chinese government, the victim in this case, and it is important that the jury has the opportunity to hear from these representatives of the victim.

CONCLUSION

For the reasons stated above, the government respectfully requests that the trial in this matter be continued from February 18, 2020, pursuant to 18 § 3161(h)(3)(A), due to the unavailability of essential witnesses Wu Haiyun, Shen Maosheng and Rong Bo and on the grounds that the ends of justice will best be served by granting a continuance in this matter, pursuant to 18 U.S.C. § 3161(h)(7)(A).

Respectfully submitted,

WILLIAM M. McSWAIN
United States Attorney
Eastern District of Pennsylvania

K.T. Newton

K.T. NEWTON
Assistant United States Attorney

Dated: February 5, 2020

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record for the defendant.

Catherine Henry, Esquire
Nancy MacEoin, Esquire

K.T. Newton

K.T. NEWTON
Assistant United States Attorney

Dated: February 5, 2020